

**DEPARTMENT OF CONSUMER AFFAIRS**  
**COURT REPORTERS BOARD OF CALIFORNIA**  
**MINUTES OF THE OPEN SESSION**  
**JUNE 23, 2006**

**CALL TO ORDER**

Ms. Karen Gotelli, Chair, called the meeting to order at approximately 12:30 PM at the Sheraton Gateway Hotel Los Angeles Airport. Roll call was then taken to establish members present, and a quorum for the meeting. Ms. Gotelli then introduced the newly appointed Board members and new staff counsel, providing a brief biography for each. Ms. Gotelli then re-introduced and recognized the Board's staff and Executive Officer for their continued support throughout the one year period that the Board did not have a quorum.

**ROLL CALL**

**Board Members Present**

Karen Gotelli, Chair, Public Member  
John Hisserich, Vice Chair  
Yvonne Fenner, CSR  
Gregory Finch, Public Member

**Staff Present**

David E. Brown, Executive Officer  
Norine Marks, Staff Legal Counsel  
Laura Freedman, Staff Legal Counsel

**1. INTRODUCTION OF DIRECTOR OF CONSUMER AFFAIRS**

Ms. Charlene Zettel was introduced and welcomed the new and returning Board members. She then shared that the Administration is now authorizing repayment of the \$1.25 million borrowed two years ago from the Court Reporters Board in an attempt to fill the spending gap in the state's budget. The funds will be reimbursed this year.

**2. DISCUSSION OF MINUTES FROM April 29, 2005 MEETING**

Ms. Gotelli asked if Board members had reviewed the minutes from the April 25, 2005 meeting and if so, were there any amendments or additions. Mr. Brown reminded members that the Professional Standards of Practice draft regulations had undergone several revisions since the language adopted at the April 2005 Board meeting. Mr. Hisserich moved to adopt the minutes from April 29, 2005 with the provision that any needed amendments to the Professional Standards of Practice are made to ensure conformity to the language resulting from input at the public hearing and subsequent minor modifications made by the Executive Officer. Ms. Marks also suggested clarifying language that the prior members had "approved" the language to be set for hearing, rather than "adopted" the language. Mr. Finch seconded the motion, and the motion carried. **MINUTES ADOPTED AS AMENDED.**

### **3. ADOPTION OF CALIFORNIA CODE OF REGULATIONS, Title 16, Division 24, Section 2475 - PROFESSIONAL STANDARDS OF PRACTICE**

Ms. Gotelli provided a brief summary of the current effort to adopt new regulations outlining professional standards of practice. Ms. Gotelli then introduced the Agenda item containing the most recent revisions to the draft document. Changes suggested during the public comment period were discussed and after some debate several items were revised. Ms. Fenner commented that her discussions with court reporters confirmed widespread support for these regulations, but that it was important for the Board to realize that reporters are justifiably concerned over how their day-to-day work may be affected. The enforcement aspect of these provisions will continue to be a work in progress. Ms. Fenner then made a motion to approve the proposed language, removing the phrase "oral and/or written" from 2475(b)(2). Ms. Gotelli seconded the motion. **MOTION CARRIED.** The next step will be to post a 15-day notice of the language as modified. Mr. Hisserich made a motion giving authority to the Executive Officer to make additional non-substantive changes to the regulations if needed, to guide them through the process and submit to the Office of Administrative Law for adoption. Ms. Gotelli seconded the motion. **MOTION CARRIED.**

### **4. PENDING LEGISLATION: AB 2927 (LENO) – PUBLIC RECORDS ACT BILL; AB 1293 (OROPEZA) – TRANSCRIPT REIMBURSEMENT FUND**

Mr. Brown provided a brief summary of AB 1293, initiated by the California Court Reporters Association. The bill proposes amendments to the Transcript Reimbursement Fund (TRF). The purpose of the TRF is to provide transcript reimbursement costs so that indigent litigants can obtain copies of their transcripts at no cost. Specific criteria in the statute now determine eligibility. This bill attempts to expand the definitions to allow a larger population to qualify as indigent. The fund is maintained at \$300,000 and has been underutilized for the past several fiscal years. There is room to expend additional resources on cases if more individuals were qualified to participate. This bill will also make the Business and Profession Code's sunset language consistent with the Board's sunset language. Mr. Finch expressed support for the bill, and suggested that the next step might be to inform more people that the TRF is available. Ms. Marks suggested that the Board will need to revise its TRF application form, reflecting the new criteria for indigent categories. Mr. Finch made a motion to support the bill, and send a letter of support to Assembly member Oropeza. Mr. Hisserich seconded the motion. Ms. Fenner abstained. **MOTION CARRIED.**

Ms. Freedman provided an overview of AB 2927, which would require, among other things, that state agencies post their Records Request form on their web site, provide information on how to contact the agency, post consulting contracts, terms of litigation settlement, and copies of records disclosed under the Public Records Act. In addition, the timeframes require action within 10 days. The bill does not change consumers' entitlement to public information, only the mechanism of providing information to the public and the broader publication of requested information. The primary concern of the department is that it is very labor intensive and will create substantial additional workload for staff. After considerable discussion on the potential merits and drawbacks of this legislation, Mr. Finch made a motion that the Board remain neutral on the legislation and send a letter to the sponsors expressing concern with implementation costs if adopted as written. The Board would delegate authority for the Chair to work with the Executive Officer to develop and submit the letter. Mr. Hisserich seconded the motion. **MOTION CARRIED.**

## **5. LEGISLATION COMMITTEE REPORT**

Representative Lynda Goddard provided an overview of the February 2006 committee meeting. One agenda item was the Health Insurance Portability and Accountability Act (HIPAA); specifically whether transcripts that may contain confidential medical information fall within HIPAA jurisdiction. Discussion with HIPAA staff at the Health and Human Services Agency indicated that HIPAA applies only to medical care providers.

Another agenda item was AB 1293 (Transcript Reimbursement Fund). Ms. Goddard reported that committee members subsequently participated in a conference call with several nonprofit agencies to work out concerns with some of the proposed language.

Ms. Goddard also brought up the committee's interest in revisiting the issue of continuing education requirements for court reporters. Mr. Brown suggested that this item should be referred to the Education Committee for further consideration.

The Legislation Committee also discussed the issue of licensing firms that are not owned and operated by licensed CSRs. The Committee determined that legislation to support this was not feasible at this time.

The use of audio-sync was brought up, specifically in reference to a prior legal opinion that using recording devices of this type was not in violation of the penal code that prohibits recording someone without their knowledge. There is no expectation of privacy in a deposition setting, as all statements are being made for the record. Use and accessibility of such recordings, however, are still areas of concern and may require future attention of the Legislation Committee.

## **6. EDUCATION COMMITTEE REPORT**

Representative Kay Reindl provided an overview of the committee's roles and duties, then summarized the committee's discussion of AB 2421, which (under specific conditions) allows for the issuance of an emergency teaching credential or specialist permit for vocational instruction without the instructor possessing a bachelor's degree. After discussion, the committee concluded that current Board statutes do allow instruction in public schools under the same conditions as identified in the bill. Their conclusion was that AB 2421 does not apply to the Board or its educational constituents.

The next item was a discussion of Title 16, CCR Section 2414(f) regarding on-line instruction. The committee identified a need for the Board to address the feasibility of expanding curriculum to increase on-line instruction for court reporting students. The conclusion was that a working committee be formed to explore these and other issues related to distance learning.

The committee also discussed CCR 2411, setting forth the minimum course of study required for court reporting curriculum. It's been 10 years since any substantive changes to the minimum prescribed course of study have been made. As an occupational analysis has recently been completed, the committee suggested that a comparison of the occupational analysis and the regulations governing curriculum be undertaken, with the results reported back to the committee.

## **7. COMMUNITY DEVELOPMENT COMMITTEE REPORT**

Representative Ned Branch discussed the committee's interest in re-establishing a newsletter for the Court Reporters Board. The focus is outreach to, and communication with, the industry. A related issue is the committee's efforts to establish greater rapport with the legal industry, and to educate attorneys on the functions of the Court Reporters Board. One step recommended by the committee was to determine what the process is to gain approval for continuing education credits for the bar association, and perhaps use that avenue to publicize the mission and functions of the Court Reporters Board.

Mr. Branch then commented on internship and training components for court reporting students, and the committee's question as to whether these might provide an opportunity to communicate the Board's message among the legal profession. Funding for various projects was also discussed.

## **8. EXECUTIVE OFFICER & CHAIRPERSON REPORT**

Mr. Brown commented that the current budget year appeared to be concluding with a 4.6% surplus. The budget allowed for a large number of exam validation sessions with the department's Office of Exam Resources and technical subject matter experts, ensuring that the written exams remain relevant and moving forward. He also noted that the new budget was still going through the process, awaiting the Governor's signature. It is anticipated that the coming fiscal year allocation will provide the same number of staff and funding.

Computer-based testing is very near implementation. A written item bank is in place and ready to go. Mr. Brown expressed hope that the Board might be able to move more quickly than some of the other, larger boards.

A new school of court reporting has been approved. Northwestern College is a private school in Sacramento, and has recently obtained tentative approval to begin their program in September. Also, a Sacramento Charter Technical High School is looking for programs that High School students can undertake with opportunities for immediate employment after graduation. There are several issues to consider, most notably interfacing the requirements for mentoring with restrictions on contact with minors. However, the director is very enthusiastic about implementing a court reporting curriculum, and further discussions are planned.

Mr. Brown briefly summarized SB 1476 (Figueroa) and SB 1588 (McLeod), dealing with the sunset provisions of several boards in the department, including the Court Reporters Board. Mr. Finch made a motion to send a letter of support for SB 1476; Mr. Hisserich seconded the motion. **MOTION CARRIED.**

Ms. Gotelli reported on several offsite meetings she attended over the past several months. Of particular note were an advisory meeting at Humphreys College, the annual Federation of Association of Regulatory Boards, CCRA and DRA conventions and a consumer leaders' roundtable discussion sponsored by the Department of Consumer Affairs.

## **9. ELECTION OF OFFICERS**

Board policy requires that the first meeting held after June 1 of each year include election of a Chairperson and Vice-Chairperson. The last meeting held for this purpose was April 2005, during which the current Chair and Vice-Chair were elected. Mr. Finch made a motion for both to continue on for another year. Ms. Fenner seconded the motion. **MOTION CARRIED.**

## **10. PUBLIC COMMENT**

Ned Branch provided information on AB 2810, affecting the Bureau of Private Postsecondary & Vocational Education (BPPVE). Private schools in California would have been affected by a recent amendment to this bill requiring that any program with an occupationally specific objective would be subject to the provisions of the Maxine Waters Student Protections Act. The impact for court reporting schools is that each would be required to complete 60% of its students or it would no longer be allowed to offer that program. The author has since accepted amendments to continue BPPVE in its present form for another year and form a working group to examine the issue further.

## **11. FUTURE MEETING DATES**

A strategic planning meeting has been tentatively scheduled for August 18-19, 2006.

## **12. ADJOURN TO CLOSED SESSION**

At 2:35 PM, the Board adjourned to closed session.

## **13. RECONVENE TO OPEN SESSION**

The Board reconvened at 3:03 PM whereupon the Board meeting was concluded.

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KAREN A. GOTELLI, Chair

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DATE

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DAVID E. BROWN, Executive Officer

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DATE